

RECEIVED

JAN 05 2010

002/003

## OFFICE OF PETITIONS

DOCKET NUMBER: M1103.90013US00  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Newell et al.  
 Patent No.: 6,874,127  
 Issued: March 29, 2005  
 Serial No.: 09/892,198  
 For: METHOD AND SYSTEM FOR CONTROLLING PRESENTATION  
 OF INFORMATION TO A USER BASED ON THE USER'S  
 CONDITION  
 Maintenance Fee: 4<sup>th</sup> Year - September 22, 2008

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR §1.8(a)

The undersigned hereby certifies that this document is being sent via facsimile to 571-273-6500,  
 ATTN: Maintenance Fees, Receipts Accounting Div./Office of Finance, United States Patent & Trademark  
 Office, on the 23<sup>rd</sup> day of December, 2009.

*Doris A. Champagne*  
 Doris A. Champagne

12/29/2009 NEWBORN 00000017 232825 6874127

51 F01353 515.00 00

VIA FACSIMILE: 571-273-6500  
 ATTN: Maintenance Fees  
 Receipts Accounting Division  
 Office of Finance  
 U.S. Patent and Trademark Office

**CORRECTION OF ERROR IN SMALL ENTITY STATUS**  
**PURSUANT TO 37 C.F.R. §1.28(c)**

Sir:

In the above-identified case, it was discovered that, through error, the 4<sup>th</sup> year maintenance fee was paid inadvertently as a small entity.

Accordingly, Patentee submits herewith the deficiency payment of \$515.00 for the 4<sup>th</sup> year maintenance fee. Pursuant to 37 C.F.R. §§ 1.28(c)(1), 1.28(c)(2)(i) and 1.28(c)(2)(ii), the itemization of the deficiency payment is as follows:

Type of fee erroneously paid as small entity	Current fee amount for non-small entity	Small entity fee actually paid and date paid	Deficiency Owed Amount
4 <sup>th</sup> Year Maintenance Fee	\$980.00	\$465.00 paid on September 22, 2008	\$515.00
<b>Total Deficiency Owed</b>			<b>\$515.00</b>

**F A X C O V E R**

\*\*\*\*\*OFFICIAL FAX\*\*\*\*\*

**Date:** December 23, 2009 **Number of pages** (Including cover): 3  
**To:** Maintenance Fees, U.S. Patent and Trademark Office  
**Fax No.:** (571) 273-6500  
**Patent No.:** 6,874,127  
**Title:** METHOD AND SYSTEM FOR CONTROLLING PRESENTATION OF INFORMATION TO A USER BASED ON THE USER'S CONDITION  
**From:** Edmund J. Walsh  
**Direct dial:** 617.646.8212  
**Our File #:** M1103.90013US00

**CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Maintenance Fees, FAX number (571) 273-6500, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 23rd day of December 2009.

*Doris A. Champagne*  
Doris A. Champagne

**ORIGINAL DOCUMENTS WILL NOT BE MAILED.**

**MESSAGE:** Transmitted herewith is a Correction of Error in Small Entity Status Pursuant to 37 CFR 1.28(c). Thank you.

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussing, distributing, or copying this message by anyone other than the named recipient, or his or her employees or agents, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone (collect), and return the original message to us at the address below via the U.S. Postal Service.

**IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION, OR IF ANY OF THE PAGES ARE ILLEGIBLE, PLEASE CALL 617.646.8000 IMMEDIATELY.**

**Wolf Greenfield Fax Number: 617.646.8646**

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206  
617.646.8000 | fax 617.646.8646 | www.wolfgreenfield.com

**PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION**

1853121.1

Patent No.: 6,874,127

- 2 -

Serial No.: 09/892,198

In view of compliance with 37 C.F.R. §§ 1.28(c)(1), 1.28(c)(2)(i) and 1.28(c)(2)(ii), Patentee respectfully requests that the error in small entity status be excused.

Additionally, pursuant to 37 C.F.R. §1.28(d), it is requested that the submission of the deficiency payment be treated under 37 C.F.R. §1.27(g)(2) as a notification of a loss of entitlement to small entity status.

Please charge the deficiency of \$515.00 to Deposit Account No. 23/2825, so that the 4<sup>th</sup> year maintenance fee payment reflects non-small entity status.

Respectfully submitted,

By: 

Edmund J. Walsh, Reg. No. 32,950  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Date: December 23, 2009